

RESOLUTION NO. _____, SERIES 2007

A RESOLUTION DETERMINING CERTAIN PARCELS OF REAL PROPERTY PRESENTLY LEASED TO THE LOUISVILLE REGIONAL AIRPORT AUTHORITY (THE “AUTHORITY”) FOR THE OPERATION OF LOUISVILLE INTERNATIONAL AIRPORT IN LOUISVILLE METRO, KENTUCKY, AND DESCRIBED IN EXHIBIT A, HERETO, OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO GOVERNMENT”), SUCCESSOR TO THE CITY OF LOUISVILLE AND THE COUNTY OF JEFFERSON, KENTUCKY, AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS CONVEYANCE AND TRANSFER.

SPONSORED BY: Councilman David Tandy

WHEREAS, according to KRS 67C.101, Metro Government, successor to the City of Louisville and County of Jefferson, Kentucky, may enact resolutions for the municipal purpose of sale or conveyance of interests in real property owned by Metro Government; and

WHEREAS, Section 2.C. of Executive Order No. 3, Series 2007, of the Mayor, provides that Metro Government may sell and convey surplus real estate upon a determination by the Legislative Council of Metro Government (the “Council”) that such property is no longer needed for the governmental purposes of Metro Government; and

WHEREAS, pursuant to various instruments, the Authority leases from Metro Government, as successor to the City of Louisville, approximately 74.09 acres of real estate, such real estate being a part of Louisville International Airport at Standiford Field (the “Airport”) for so long as the Airport is operated as a certified airport in accordance with and subject to the Federal Aviation Act of 1958, as amended, 14 Code of Federal Regulations Part 139, and any successor statute or regulations; and

WHEREAS, Metro Government, as successor to the former Jefferson County, Kentucky (the “County”) leases to the Authority certain real estate, which real estate constitutes a substantial portion of the Airport, which lease lasts so long as such leased real estate is used as a municipal airport or for aviation purposes; and

WHEREAS, the Authority operates the Airport pursuant to certain grant assurances given to the United States of America, including assurance that the Authority holds good title to the landing area of the Airport or that good title will be acquired, and the Authority having a fee ownership of such leased real estate instead of a leasehold estate would be a benefit to the Authority in complying with its grant assurances; and

WHEREAS, as part of the Worldport II expansion at the Airport by United Parcel Service, and/or its affiliates (“UPS”), UPS desires to lease from the Authority portions of such real estate leased to it by Metro Government; and

WHEREAS, the Authority has requested that the Metro Government convey to the Authority such real estate for its purposes, including, without limitation, to facilitate UPS’s expansion at the Airport; and

WHEREAS, the Director of Louisville Metro Government Public Works and Assets Department has declared and certified to the Council that the real property, which is the subject of this Resolution, is surplus to the needs of the Metro Government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:

SECTION I. That the Council determines that the real property described in Exhibit A, attached hereto (the “Property”), is surplus and no longer needed to carry out the governmental functions of Metro Government.

SECTION II. That the Mayor is hereby authorized to transfer the Property named therein, in the manner provided according to Section 2.C. of Executive Order No. 7, Series 2007, of the Mayor, to the Louisville Regional Airport Authority (the “Authority”), without further action by the Council, it being the determination of the Council that the transfer of the Property to the Authority will enhance economic development in Louisville Metro. This Resolution shall become effective upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:
Irv Maze
Jefferson County Attorney

BY: _____

CERTIFICATION OF SURPLUS PROPERTY

The Director of Louisville Metro Public Works and Assets Department has carefully reviewed the Louisville/Jefferson County Metro Government's needs for land or improvements used in the administration of Metro programs and to conduct municipal business. This office has determined that the parcels of real property identified below owned by City of Louisville/Jefferson County Metro Government as the successor to the City of Louisville and Jefferson County, Kentucky, and which is being scheduled for action by the Louisville Metro Council, is surplus and not needed or suitable for any specific municipal use.

Property described in Exhibit A, attached hereto.

Ted Pullen, Director
Louisville Metro Public Works and Assets Department